In the Drawings:

Please replace the originally filed Figures 1-6 with the Formal Drawings of Figures 1, 2A-B, 3A-P, and 4-6 submitted concurrently herewith.

REMARKS

Applicants have submitted concurrently herewith a Request for Continued Prosecution Application. Acknowledgement of the acceptance of this Request is respectfully requested.

Amendments

Claims

Claims 19-305 are currently pending in light of the amendments above. Claims 1-18 have been canceled without prejudice, and Applicants reserve the right to pursue the subject matter of these claims in this or continuing applications.

New claims 24-305, which correspond to provisionally elected Group I (cancelled claims 1-18) have been added to more particularly and distinctly point out and distinctly claim the subject matter Applicants regard as the invention. Support for the newly added claims is found throughout the specification as filed, and no new matter had been introduced.

More particularly, support for new claims can be found in the specification as follows: Figures 1 and 2 and page 13, lines 21-25 (lack of an N-terminal methionine); page 4, line 28 to page 5, line 7 (mature form and soluble extracellular domain); page 5, lines 8-9, page 13 lines 11-12, and page 16 lines 31-32 (complementary sequences); page 14, lines 11-14 and pages 31-33 (epitopes); pages 23-25 (N-terminal and C-terminal deletions); pages 21-22 (heterologous polypeptides including Fc domains); pages 19-22 (vectors, host cells, and methods of production); page 8, lines 26-30 and pages 45-48 (pharmaceutical compositions); page 17, line 26 to page 18, line 22 and page 29, line 29 to page 30, line 36 (90% and 95% identity and Bestfit); and page 9, lines 31-36 and page 12, lines 8-24 (RNA).

Pursuant to 37 C.F.R. § 1.607(c), Applicants hereby notify the Examiner that claims previously pending in this application, *i.e.*, prior to the amendment herein above, as well as claims currently pending in light of the amendment herein above, correspond exactly or substantially to claims 1-16 of U.S. Patent No. 5,885,800, by Emery *et al.*, entitled "DNA Encoding Tumor Necrosis Related Receptor, TR4" (the '800 patent). A copy of the '800 patent is included as reference AB in the Supplemental Information Disclosure Statement, submitted concurrently herewith.

Drawings

The specification has been amended to conform the specification to the drawing designations corresponding to the formal drawings concurrently submitted herewith by Applicants. Applicants submit concurrently twenty-two sheets of formal drawings containing Figures 1, 2A-B, 3A-P, and 4-6 for entry in the instant application. The formal drawings are completely supported by the drawings as originally filed and no new matter has been introduced.

Specification and Sequence Listing

The address for the American Type Culture Collection (ATCC) has been updated to reflect its current address, as urged by the U.S. Patent and Trademark Office (1210 OG 74, May 19, 1998). No new matter has been introduced.

The specification has been amended to correct an obvious typographical error with respect to the correction of the NaCl and trisodium citrate concentrations for 5xSSC disclosed on page 14, line 21 of the specification. An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of the error in the specification, but also the appropriate correction. *See*, M.P.E.P. § 2163.07. Here, the recognition of the typographical errors, along with the correction of the errors in the specification and claims and in the ingredient amounts listed for 5x SSC is obvious to one skilled in the art; therefore, the correction does not constitute new matter.

5x SSC is a component of many hybridization solutions and is well known in the art. (*See*, e.g., Exhibit A, CURRENT PROTOCOLS IN MOLECULAR BIOLOGY, John Wiley and Sons, N.Y., at page 2.10.7 (1989)). SSC is normally made as a 20x stock solution, and then diluted accordingly for a particular use. Exhibit B shows that a 20x SSC stock solution contains 3 M NaCl and 0.3 M trisodium citrate. (*See*, e.g., Exhibit B, CURRENT PROTOCOLS, at page A.2.5.) To make a 5x SSC solution, the 20x solution must be diluted by a factor of four. Therefore, a 5x SSC solution contains 750 mM NaCl (3 M ÷ 4 = 750 mM) and 75 mM trisodium citrate (0.3 M ÷ 4 = 75 mM). One skilled in the art would have immediately recognized that the amounts of ingredients listed in the specification for a 5x SSC solution was incorrect. Rather than describing a 5x SSC solution, made up of 750 mM NaCl and 75 mM trisodium citrate, the specification inaccurately listed the ingredient amounts for a 1x solution. The skilled artisan, in recognizing the typographical error, could have easily adjusted the amount of ingredients described in the specification to properly make a 5x SSC solution.

Therefore, because no new matter will be added to the specification if these typographical errors are corrected, Applicants respectfully request that the amendments to the specification to recite the correct concentrations of sodium chloride and sodium citrate in 5x SSC be entered.

The Sequence ID NOs of the primer sequences used in Example 2 (page 53) and Example 3b (page 59) have been amended such that they correctly correspond to the SEQ ID NOs in the Sequence Listing pursuant to 37 C.F.R. § 1.821(d). No new matter has been introduced by this amendment.

Applicants received a Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures ("Notice To Comply With Sequence Rules") accompanying the Restriction Requirement dated December 22, 1999 mentioned above. Applicants submit herewith a Sequence Listing in both paper copy and computer readable form. Applicants believe that the Sequence Listing submitted herewith brings the application into compliance with 37 C.F.R. § 1.821-1.825.

Statements Under 37 C.F.R. § 1.821(f) and 1.821(g)

In accordance with 37 C.F.R. § 1.821(f), the undersigned attorney for Applicants hereby states that the information in the paper copy of the Sequence Listing submitted herewith is identical to the information contained in the computer readable form of the Sequence Listing submitted herewith.

In accordance with 37 C.F.R. § 1.821(g), the undersigned attorney for Applicants hereby states that the Sequence Listing submitted herewith is completely supported by the specification as filed and that no new matter has been introduced.

Provisional Election

The Examiner has required restriction of the claims into one of five different groups. Applicants note that claim 19 was not assigned to a group and respectfully request a clarification on this matter.

In accordance with 37 C.F.R. § 1.143, Applicants hereby provisionally elect Group I (cancelled claims 1-18, new claims 24-305), *with traverse*. Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions should the restriction requirement be made final.

Applicants respectfully traverse the restriction requirement. The Examiner asserts that the claimed subject matter of the specified groups are distinct. Even assuming, *arguendo*, patentably distinct inventions appear in a single application, restriction remains improper unless it can be shown that the search and examination of the groups together would entail a "serious burden" (see MPEP § 803). In the present situation, no such showing has been made. Indeed, no arguments have been made explaining why it would impose an undue burden to examine the polynucleotide and polypeptide claims together aside from references to different classifications and assertions of being able to use the claimed products in different processes and *vice versa*.

Applicants submit that it would not be a serious burden, upon searching the claimed polynucleotides, to search, for example, the polypeptides encoded by the claimed polynucleotides as well. The searches for polynucleotides and polypeptides would clearly be overlapping.

Accordingly, Applicants respectfully request that the restriction requirement be withdrawn or, alternatively, modified so that Group I and Group II are searched and examined together.

CONCLUSION

Applicants respectfully request that the amendments and remarks above, including the traverse of the restriction requirement, be entered and made of record in the file history of the instant application.

Respectfully submitted,

Date: JUNE 21, 2000

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